



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Planning Board Approved Minutes

Wednesday, June 15, 2016

7:00pm @ Community Development Department

#### Attendance:

Chairman Paul Gosselin, present

Margaret Crisler, present

Dan Guttman, (arrived at 7:03pm)

Kathleen DiFrusia (alternate), present

Gabe Toubia (alternate), present

Ross McLeod, Board of Selectmen representative, present

Jennifer Simmons, Board of Selectmen alternate, excused

Vice Chair Kristi St. Laurent, excused

Alan Carpenter, present

Ruth-Ellen Post, present

Matt Rounds (alternate), excused

Ms. DiFrusia is seated for Vice Chair St. Laurent.

#### Staff:

Laura Scott, Community Development Director

Anitra Brodeur, Minute Taker

#### Public Hearings

Case 2016-23 Windham High School Greenhouse 64 London Bridge Road (Lot 20-D-1500)

Per Section 712 of the Zoning Ordinance, a public hearing is to be held on the proposed 16'x36' greenhouse to be constructed at Windham High School.

**A motion was made by Ms. Crisler to open the public hearing at 7:02pm. Seconded by Mr. McLeod. Vote 6-0. Motion passes.**

In the interest of full disclosure: Ms. Crisler is on the Greenhouse Committee, not in a judicial fashion. Ms. DiFrusia is on the Board of Directors for the Windham Endowment.

**Mr. Guttman arrived at 7:03pm.**

Mr. Adam Steel addressed the Board. He is representing the Windham School District. The proposed greenhouse will be called the Carl and Mildred Anderson Greenhouse. The greenhouse will be available to high school, middle school, and elementary school students in the district.

The solar gain on the west side is appropriate for what the school would like to do with the greenhouse. The greenhouse is an appropriate size for the next 20 years. They do not plan on expanding at this time. The greenhouse is polycarbonate and the life of the greenhouse would be 15-20 years. The greenhouse can handle a regional projected snow load. There will be access to the building from the inside and outside. The building can accommodate the expanding interests of students in the fields of botany and biology. The community will also utilize this: the Garden Club, adult education, and business education for high school students are all groups that will likely benefit.

**The hearing was opened to the public at 7:14pm.**

Ms. Diane Carpenter, 8 Glenwood Rd., addressed the Board. She acknowledged the work of Bruce and Gina Anderson. Sherry Vose, John Pratte were also acknowledged by Ms. Carpenter.

**The hearing was closed to the public at 7:15pm.**

**A motion was made by Ms. Crisler to close the public hearing at 7:16pm. Seconded by Mr. Guttman. Vote 6-0-1. McLeod abstained. Motion passes.**

Case 2016-14 Minor Site Plan/WWPD Special Permit Application 55 Enterprise Drive (Lot 11-C-13)

An application for a Minor Site Plan has been submitted 55 Enterprise Drive (Lot 11-C-13) in the Commercial Business A, Cobbetts Pond & Canobie Lake Watershed, and WWPD Districts. The applicant, Peter Zodhi, Edward N. Herbert Associates, Inc., on behalf of Indian Rock Realty, LLC. is proposing to reconfigure the driveway/parking areas/sidewalk, have them be porous pavement and revise the drainage; add a small retaining wall; improve 2,300 sq. of existing attic space for storage; remove the 2 existing building entryways and replace it with a 44 sq. ft. vestibule; add concrete pads for HVAC units, dumpsters and scissor jack; revise type and location of outdoor lighting; relocate the dumpster, sign, leachfield and cistern. Waivers from Sections 703.1.2, 703.1.4 and 703.2.4 of Site Plan Regulations have been requested. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan & the application will be heard as a Preliminary Major Site Plan Application.

Mr. Shane Gendron addressed the Board. When prompted, he stated that the applicant would prefer to open the hearing as a Minor Site Plan.

**A motion was made by Mr. McLeod to open the hearing as a Minor Site Plan at 7:22pm. Seconded by Mr. Carpenter. Vote 7-0. Motion passes.**

Mr. Gendron reviewed what the applicant had asked for previously so that the Board could note changes. The new plan offers two entryways and more green space for a total of 52 parking spaces.

There was 31.56% down to 10.4% of impervious area. Wing walls and sidewalks will also be added.

The applicant was granted a variance relief at ZBA on May 24<sup>th</sup>, 2016 from Section 601.3 of the Windham Zoning Ordinance to allow a 4,434 sq. ft. increase in parking, a 279 sq. ft. increase in misc. concrete pads and a 44 sq. ft. vestibule in the WWPD. This will result in a total WWPD impact of 4,757 sq. ft.

Several points from Mr. Keach's June 2<sup>nd</sup>, 2016 memo were also discussed. Planning/Design Matters #3: A new waiver for parking has been submitted. The applicant is asking for a waiver of one space. Planning/Design Matters #6: The applicant stated that granite curb stops would be used where there is no curbing in the area. Three snow storage areas were also highlighted by Mr. Gendron. Also, the basin for the scissor jack has its own specific drainage, which is also shown on the plan.

Mr. Gendron stated that the soils are left off of pg. 2 and they will be put on from previous soil studies, and item #5 on the Planning/Design Matters list will certainly be done and be complied with. The Maintenance Plan for Porous Pavement on Sheet 9 will be put on the cover sheet.

Al Letizio, Indian Rock Realty LLC, addressed the Board. His goal is to conduct a business and still be respectful of the environment. Currently, his business uses sand, not salt in the winter months. However,

porous pavement cannot use sand so they must use salt; he is trying to measure the safety of his employees as well. He is willing to go beyond what is required for the environment, Mr. DiFrusia stated there were new products out there that DES recommends; Ms. DiFrusia is interested in keeping this question open.

Mr. Gosselin stated that both parties seem to agree with #2 on pg. 7.

Mr. Guttman asked about the maintenance requirement for porous pavement. He asked if the schedule could be clearly stated "once in the fall, once in the spring". He also asked about the well, which will be under the building.

Mr. Carpenter asked how much more expensive porous pavement was than other pavement, the initial cost is 2-2 ½ times and the maintenance is also expensive. Mr. Carpenter asked if it would make sense to: use traditional paving, use sand on pavement and use catch basins for them so the sand does not make it to the pond.

Mr. Gosselin pointed out that another alternative to sand/salt might be available on porous pavement. Ms. Scott will ask: DES, Mr. Keach and UNH about other potential options.

Ms. Scott stated that porous pavement is part of the ZBA variance so if the Board asks for something else they would be in violation of the request.

Ms. Post stated that the 100% porous pavement is unprecedented and she is very impressed with the pavement plan along with the landscaping. Ms. Post also asked about erosion controls during the construction phase and where the staging will be during construction. None of the erosion control will change from the original plan and staging will occur on the flat surface where the parking lot will go.

Mr. McLeod supports the 3 waivers that are being asked for. There is a concern that the 4 flag pole up-lit, shielded lights are not appropriate under Section 706.5.2 since the ordinance states that lights should be off by 10 pm. Mr. Letizio stated his commitment to light variation on his other business signs in the past. Mr. Letizio stated that the fixture is negotiable; he is interested in making the feature acceptable to the Board.

Mr. Letizio stated that the tower would hopefully be used by emergency services. There is an \$80,000 security system; police and fire will have the ability to turn on the camera and pan and scan from that tower. Motion sensors will also be in the property. The tower will not be open to the public. No lighting will face out towards the highway.

**The Chairman opened the discussion to the public at 8:20pm.**

Mr. Carpenter read 3 letters into the record from: Mr. Richard G. Armstrong, Heron Cove Associates, and a memo from WEDC.

David Devries, Granite Hill Rd. addressed the Board. He is in full support of the plan.

**The Chairman closed the public discussion at 8:24pm.**

**A motion was made by Mr. McLeod to grant a waiver for 703.1.2 Rationale: The plan is functionally appropriate with adequate parking. Seconded by Ms. Post. Vote 7-0. Motion passes.**

Mr. Guttman and Mr. Letizio discussed landscape design. Mr. Guttman asked the applicant to consider disease resistant elm trees in the landscape plan.

**A motion was made by Mr. McLeod to grant a waiver for 703.1.4 Rationale: The larger landscaping plan, complete with interior green spaces, is appropriate. Seconded by Mr. Guttman. Vote 7-0. Motion passes.**

**A motion was made by Mr. McLeod to grant a waiver for Section 703.2.4. Rationale: There will be less than 2% reduction of the parking area. Seconded by Mr. Guttman. Vote 7-0. Motion passes.**

**A motion was made by Mr. Carpenter to approve the plan as presented with the following conditions: the recommendations set forth in Mr. Keach's June 2<sup>nd</sup>, 2016 memo, erosion control documentation during construction, permeable pavement maintenance schedule set forth on Sheet 7 of submitted plan regarding cleaning and testing to be provided to Community Development Staff as requested for items 4 and 5. Seconded by Mr. Guttman.**

Mr. McLeod will vote no due to the need for documentation of maintenance.

After discussion from the Board, the motion was restated.

**A motion was made by Mr. Carpenter to approve the plan as presented with the following conditions: the recommendations set forth in Mr. Keach's June 2<sup>nd</sup>, 2016 memo and erosion control documentation during construction. Seconded by Mr. McLeod. Vote 6-1-0. Motion passes. Mr. Guttman is opposed due to the inference that this would be seen as government over reach to stipulate a specific maintenance schedule.**

Case 2016-15 Minor Subdivision Application 84 & 88 Range Road (Lot 17-G-26)

An application for a Minor Subdivision has been submitted for 84 & 88 Range Road (Lot 17-G-26) in the Gateway Commercial and Cobbetts Pond & Canobie Lake Watershed Protection Districts. The Applicant, Karl Dubay, Glazunov Concerto, LLC, on behalf of the property owner, The Alexander L. Ray 1999 Revocable Trust, is proposing to subdivide the existing parcel into 2 lots with the parent lot to be 77,164 sqft (1.771 acres) and the new lot (84 Range Road) to be 8,712sqft (0.200 acres). Waivers from Sections 601.2.1 and 605.5 have been requested.

Mr. Karl Dubay addressed the Board.

**A motion was made by Mr. Crisler to open the hearing as a Minor Site Plan at 9:00pm. Seconded by Ms. DiFrusia. Vote 7-0. Motion passes.**

Mr. Carpenter asked about deeded easements for access and parking. Mr. Dubay and the town's attorney will be reviewing these. Water is provided by Pennichuck Water and the septic for the building was redone several years ago.

**Chairman opened and closed public comment at 9:01pm.**

The West House has a protective covenant through the state but these two buildings under Section 719.6 are not affected as there is no demolition or substantial renovations proposed; hence, none of the current changes affect the covenant for that building.

**A motion was made by Mr. McLeod to grant a waiver for Section 601.2.1. Rationale: Evidence based on the HISS Mapping on record from 2008. Seconded by Ms. Crisler. Vote 7-0. Motion passes.**

**A motion was made by Mr. McLeod to grant a waiver for Section 605.5. Rationale: A review of the drawings reveal this departure from the strict requirements of the Regulations was intentional such that the bearing of this platted boundary course would be parallel to an existing retaining wall. Seconded by Ms. Post. Vote 7-0. Motion passes.**

**A motion was made by Mr. McLeod to approve the Minor Subdivision with the following conditions: the plan will include the following recommendations from the Keach Associates memo dated June 1<sup>st</sup>, 2016: #1 and #2 under General Comments, #1 and #2 under Zoning Matters and #1 (second and third bullets) and #2 and #4. Seconded by Ms. Crisler. Vote 7-0. Motion passes.**

Case 2016-21 Minor Site Plan/Change of Use Application 49 Range Road (Lot 18-L-400)

An application for a Minor Site Plan/Change of Use has been submitted for 49 Range Road (Lot 18-L-400) in the Professional, Business and Technology District and Cobbetts Pond & Canobie Lake Watershed District. The Applicant, Peter Zodhi, Edward N. Herbert Associates, Inc., on behalf of Mashop Develop, is proposing to change Units A-C in Building II from the approved use of medial office to a proposed dance studio. No exterior changes are proposed. Waiver from Section 703.2.4 of the Site Plan Regulations has been requested. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan & the application will be heard as a Preliminary Major Site Plan Application.

**A motion was made by Ms. Crisler to open and continue hearing to July 20<sup>th</sup> at 7 pm. Seconded by Ms. Post. 6-1-0. Mr. Carpenter opposed.**

Case 2016-22 Minor Site Plan/Change of Use Application 41 Range Road (Lot 18-L-480)

An application for a Minor Site Plan/Change of Use has been submitted for 41 Range Road (Lot 18-L-480) in the Professional, Business and Business and Technology District and Cobbetts Pond & Canobie Lake Watershed District. The Applicant, Christine Rondeau, on behalf of the property owner, Camber Management, LLC, is proposing to use approximately 800sqft of existing space for art instruction and furniture manufacturing/refurbishing, as well as accessory retail sales. No exterior site changes are being proposed. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan & the application will be heard as a Preliminary Major Site Plan Application.

**A motion was made to accept and open as a minor site plan under change of use. Seconded by Ms. Crisler. Vote 7-0. Motion passes.**

**Chairman Gosselin opened and closed discussion to the public at 9:15pm.**

Mr. Jay Yennaco addressed the Board. He supports the use of the space for art classes and restoration.

The building inspector and the fire department will need to do a final walk through to be sure all materials are stored properly.

**A motion was made by Ms. Crisler to approve the application for change of use. Seconded by Ms. DiFrusia. Vote 7-0. Motion passes.**

## **June 1, 2016 Meeting Minutes – Review and Approve**

**A motion was made by Mr. Crisler to approve the June 1<sup>st</sup>, 2016 minutes as amended. Seconded by Mr. Carpenter. Vote 4-0-3. Ms. Post, Ms. DiFrusia and Mr. Gosselin abstained, as they were not in attendance at the meeting.**

## **Financial Guarantee Release – Walkers Woods**

**A motion was made by Mr. Carpenter to recommend to the Board of Selectmen to reduce the Letter of Credit from \$701,977.98 to \$539,437.98. Seconded by Mr. Guttman. Vote 6-0-1. Mr. McLeod abstained.**

## **Old/New Business**

Ms. Scott discussed landowner meetings for the Village Center District; she has been in touch with the two largest landowners in the Village Square District.

Mr. Carpenter suggested a workshop to discuss road connectivity in the Village Center District; there are no mandates or requirements to sit down with members of the Planning Board.

Mr. Guttman stated that the I-93 update would be next week at 6:30pm on Wednesday June 22<sup>nd</sup> in the Community Development Room.

Chairman Gosselin also mentioned that the Planning Board would be meeting with the Board of Selectmen on Monday, June 20<sup>th</sup>.

**A motion was made to adjourn at Mr. Carpenter at 9:29pm. Seconded by Mr. McLeod. Vote 7-0. Motion passes.**